

A BILL OF LADING, RECEIPT, ACKNOWLEDGMENT, OR VOUCHER FOR TRANSPORT OF ANY GOODS IF, AT THE TIME THE INSTRUMENT IS ISSUED, THE PERSON HAS NOT ACTUALLY RECEIVED THE GOODS FOR TRANSPORT.

(B) AN OFFICER, AGENT, OR EMPLOYEE OF A CARRIER MAY NOT ISSUE OR AID IN ISSUING A BILL OF LADING FOR ANY GOODS:

(1) WITH INTENT TO DEFRAUD; AND

(2) WITH KNOWLEDGE THAT, AT THE TIME THE BILL OF LADING IS ISSUED, THE GOODS:

(i) HAVE NOT BEEN RECEIVED BY THE CARRIER, ITS AGENT, OR A CONNECTING CARRIER; OR

(ii) ARE NOT UNDER THE CARRIER'S CONTROL.

REVISOR'S NOTE: Subsection (a) of this section is new language derived without substantive change from Art. 27, §160.

Subsection (b) of this section is new language derived without substantive change from Art. 14, §44.

The Commission notes that the language of these two provisions, as well as the penalties prescribed for violations of each, contained certain substantive differences, although their purposes are basically the same. For example, subsection (a) of this section applies to any "person," whether or not he has an intent to defraud, and subjects him to a minimum fine of \$1,000 (see §18-401(a)); on the other hand, subsection (b) of this section applies only to "carrier" - personnel who act "with intent to defraud," and, while subject to imprisonment, has no minimum penalty attached to it (see, §18-401(b)). The Legislature may consider repealing one or the other of these subsections or consolidating the desirable features of each into one uniform prohibition. Alternatively, the Legislature may wish to amend the applicable penalty provisions.

18-202. ISSUANCE OF DUPLICATE BILLS OF LADING NOT SO MARKED.

AN OFFICER, AGENT, OR EMPLOYEE OF A CARRIER MAY NOT ISSUE OR AID IN ISSUING A DUPLICATE OR ADDITIONAL NEGOTIABLE BILL OF LADING FOR ANY GOODS IN VIOLATION OF